

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FATIMA VANGEL,

Plaintiff,

CASE NUMBER: 11-10549  
HONORABLE VICTORIA A. ROBERTS

v.

DEARBORN HEIGHTS POLICE OFFICERS  
NICHOLAS SZOPKO, AARON FRANCKOWIAK,  
TIMOTHY WALSH, CORPORAL R. SMITH,  
JOANNE BEEDLE-PEER, POLICE CHIEF LEE GAVEN,  
and CITY OF DEARBORN HEIGHTS

Defendant.

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**ORDER OF DISMISSAL**

On April 2, 2012 Plaintiff Fatima Vangel filed a Motion for Voluntary Dismissal (Doc. # 39). She asks that the Court dismiss her claims without prejudice so that she may gather resources, retain counsel and then re-file. She also asks that the Court decline to award costs to Defendants.

On April 9, 2012, Defendants responded to Plaintiff's Motion. (Doc. # 40). They request that the Court deny the motion and dismiss the action with prejudice. If the court dismisses without prejudice, Defendants ask that it do so with these conditions:

- (a) Should Plaintiff re-file this litigation, Defendants' Request for Admissions dated November 21, 2011, shall be deemed admitted in any subsequent action filed by Plaintiff arising out of these events and occurrences.
- (b) Should Plaintiff re-file this litigation, Plaintiff must pay Defendants' costs of the previous action pursuant to Federal Rule of Civil Procedure 42(d)(1).
- (c) Should Plaintiff re-file this litigation, all of the discovery conducted

to date including Answers to Interrogatories and Requests for Production of Documents and depositions to witnesses shall retain its full effect and may be used for any purposes permitted under the Federal Rules of Civil Procedure and Federal Rules of Evidence as if these discovery materials were compiled in that litigation.

(*Id.* at 3).

The Court finds these terms reasonable and just. Accordingly, Plaintiff's Motion is **GRANTED** with these three conditions in place. Defendants' Motion to Dismiss Re: Failure to Attend Deposition (Doc. # 35) is **DENIED AS MOOT**. The Complaint is **DISMISSED WITHOUT PREJUDICE**.

**IT IS ORDERED.**

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: April 30, 2012

The undersigned certifies that a copy of this document was served on the attorneys of record and Fatima Vangel by electronic means or U.S. Mail on April 30, 2012.

s/Carol A. Pinegar

Deputy Clerk